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Attorney for Debtor(s)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA**

In re:

Case No. 15-60469-13

Russell G. Cassett,

Debtor(s).

**FIRST AMENDED CHAPTER 13 PLAN Dated August 7, 2015**

1. The future earnings and other income of the debtor(s) are submitted to the supervision and control of the Chapter 13 Standing Trustee as necessary for the execution of this plan, and debtor(s) shall pay to the Trustee the sum of \$ 420.00 each month for months 1 – 3 (June through August 2015); \$ 430.00 per month for months 4 – 60 (September 2015 through May 2020); for a total term of 60 months, or until all of the provisions of this Plan have been completed. Plan Payments shall commence within thirty (30) days following the filing of the Plan. The Debtor(s) shall make payments directly to the Trustee until their wage deductions begin.

2. From the payments so received, the Trustee shall make disbursements as follows:

(a) ADMINISTRATIVE CLAIMS. The Trustee shall pay those claims, fees or charges specified in 11 U.S.C. Section 507(a)(2), including the debtor's attorney fees and costs in such amount as may be allowed by the Court. As of the date of this plan, Debtor's counsel estimates that total attorney fees and costs for representation of Debtor (excluding the fee for filing the Debtor's petition) will be as follows:

Estimated total attorney fees:	\$ 3,500.00 *
Estimated total costs:	\$ 200.00
Total estimated attorney fees and costs:	\$ 3,700.00
Less retainer:	\$ 1,200.00

**TOTAL FEES AND COSTS TO BE PAID THROUGH THE PLAN: \$ 2,500.00**

\* If this figure differs from the Disclosure of Compensation originally filed by the Debtor's attorney, said Disclosure must be amended simultaneously with the filing of this plan, or amended as provided in F.R.B.P. 2016(b).

(b) IMPAIRED SECURED CLAIMS. After payments provided for above, the Trustee shall pay allowed secured claims, as determined pursuant to 11 U.S.C. Section 506(a), together with interest at the rate prescribed below from the date of confirmation, on a pro rata basis, as follows:

<u>Name of Creditor</u>	<u>Claim Number</u>	<u>Allowed Secured Claim</u>	<u>Rate of Interest</u>
N/A			

(\* This figure is the lesser of the total amount of the debt owing to the creditor or the value of the collateral securing said debt.)

Secured creditors shall retain their liens as provided by 11 U.S.C. Section 1325(a)(5)(B). In order for any unsecured deficiency to be allowed and paid, a proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules.

(c) UNIMPAIRED SECURED CLAIMS. The following secured creditors, whose claims will be left unimpaired by this plan, are not provided for by this plan and shall receive no payments through the trustee except with regard to those arrearages specified below, if any:

<u>Name of Creditor</u>	<u>Description of Collateral</u>
Seterus	Home at 1264 Calamity Jane Blvd, Billings, MT 59105

**Debtors will continue to pay these creditors directly, outside of the Chapter 13 Plan.**

Concurrently with the payments on impaired claims specified above, the following arrearages on unimpaired secured claims, if any, shall be paid through the Trustee on a pro rata basis until the same have been paid in full:

<u>Name of Creditor</u>	<u>Amount of Arrearage</u>
Seterus	\$11,250.00

Upon completion of the Plan, all prepetition arrearages provided for by this Plan shall be deemed current.

(d) DOMESTIC SUPPORT OBLIGATIONS. After the payments provided for above, the Trustee shall pay all allowed prepetition domestic support obligations. Such allowed claims for prepetition domestic support obligations shall be paid in full under this Plan, without interest (unless otherwise provided).

<u>Creditor</u>	<u>Complete Address</u>	<u>Claim Amount</u>
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1 **None.**

2 (e) PRIORITY CLAIMS. After payments provided for above, the Trustee shall pay allowed claims  
3 entitled to priority in such order as specified in 11 U.S.C. Section 507.

4 (f) GENERAL UNSECURED CLAIMS. After the payments specified above, the Trustee shall pay  
5 dividends, to the extent possible, to allowed unsecured, nonpriority claims on a pro rata basis.

6 (G) LIQUIDATION ANALYSIS. The total amount distributed under paragraphs 2.(e) and (f) will  
7 be at least \$ 4,665.00, which exceeds what would be available to pay unsecured claims if the debtor's  
8 estate was liquidated under Chapter 7 of the Bankruptcy Code. A discharge will not be entered by the Court  
9 until said sum has been distributed, or until all allowed unsecured claims have been paid in full, whichever is  
10 less.

11 3. REJECTION OF CONTRACTS OR LEASES. The debtor(s) rejects the following executory contracts  
12 and unexpired leases, and shall surrender property subject to such contracts or leases:

13 <u>Type of Agreement</u>	14 <u>Date of Agreement</u>	15 <u>Other Party to Contract</u>
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16 **None**

17 All other contracts and unexpired leases shall be affirmed.

18 4. SURRENDER OF PROPERTY. The debtor(s) surrenders any and all interest in the following described  
19 collateral to the stated secured creditor in full satisfaction of the creditor's allowed secured claim. In order  
20 for any unsecured deficiency to be allowed and paid under this Plan, a proof of claim must be filed pursuant to  
21 Montana's Local Bankruptcy Rules.

22 <u>Secured Creditor</u>	23 <u>Description of Collateral</u>
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24 **None.**

25 5. POSTPETITION SECURED DEBT: Debtor(s) reserves the right to incur postpetition secured debts,  
26 upon prior written approval of the Trustee, for items necessary to debtor(s) performance under this plan.

27 6. REPORT OF CHANGES IN INCOME: The Debtor(s) shall commit all projected disposable income to the  
28 Plan for the applicable commitment period and shall report any changes in income in excess of \$300.00 per  
month to the trustee.

7. OTHER PROVISIONS:

**None**

8. DECLARATIONS: Under penalty of perjury Debtor(s) affirms that all federal and state income,  
employment and other tax returns due as of the date of this plan have been filed with the appropriate agency,  
and that postpetition payments due on all domestic support obligations have been paid through the date of  
this Plan.

9. EFFECTS OF CONFIRMATION: Upon confirmation of this plan, all issues that have been or could have been decided involving any creditors are *res judicata*, and Debtor(s) reserves all rights under applicable federal and state law with regard to those issues, including rights under 11 U.S.C. Section 524(i). Debtor(s) specifically reserves all rights under 11 U.S.C. Section 524(i), including the right to ensure that all postpetition mortgage payments be applied and credited to Debtor's mortgage account as if the account were current and no prepetition default existed.

10. PREVIOUS BANKRUPTCIES, AND DISCHARGE: (Check one)

\_\_\_\_ Debtor(s) is not eligible for a discharge of debts because the debtor(s) has previously received a discharge described in 11 U.S.C. Section 1328(f).

X Under penalty of perjury, Debtor(s) declares that he/she has not received a discharge in a previous bankruptcy case that would cause him/her to be ineligible to receive a discharge in the above-entitled case under 11 U.S.C. Section 1328(f).

11. INCOME TAX REFUNDS: (Check one)

\_\_\_\_ Debtor(s) projects no income tax refunds during the term of this plan. As a result, no income tax refunds will be turned over to the trustee.

X Debtor(s) projects income tax refunds during the term of this plan. During the applicable commitment period of the plan, as defined in 11 U.S.C. Section 1325(b)(4), Debtor(s) will turn over to the trustee all net income tax refunds.

\_\_\_\_ Debtor(s) projects income tax refunds during the term of this plan, and such tax refunds are included in the Debtor's budget.

DATED this 7th day of August, 2015.

/S/ Russell G. Cassett  
Debtor

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of August, 2015, a true and correct copy of the foregoing FIRST AMENDED CHAPTER 13 PLAN DATED August 7, 2015, was mailed to the following:

See attached mailing matrix.

/S/ Ralph W. Wilkerson  
Ralph W. Wilkerson

Label Matrix for local noticing  
0977-2  
Case 15-60469-RBK  
U.S. Bankruptcy Court, District of Montana  
Butte  
Sat Aug 8 12:23:21 MDT 2015

Billings Clinic Home Oxygen  
801 N. 27th Street  
Billings, MT 59101-1116

Jason Henderson  
Mackoff Kellogg Law Firm  
38 Second Avenue East  
Dickinson, ND 58601-5217

Midland Credit Management, Inc.  
P.O. Box 60578  
Los Angeles, CA 90060-0578

Montana Dept of Labor and Industry  
P.O. Box 8020  
Helena, MT 59604-8020

St. Vincent Healthcare  
Medical Practices Division  
P.O. Box 30297  
Billings, MT 59107-0297

St. Vincent Physician Network  
P.O. Box 780  
Longmont, CO 80502-0780

ROBERT G. DRUMMOND  
PO BOX 1829  
GREAT FALLS, MT 59403-1829

U.S. Bankruptcy Court, District of MT  
Room 263 Federal Building  
400 North Main  
Butte, MT 59701-8866

CBB Collections, Inc.  
P.O. Box 31213  
Billings, MT 59107-1213

Lockwood Chiropractic Health Center  
2850 Old Hardin Road  
Billings, MT 59101-6839

Midland Credit Management, Inc. as agent for  
MIDLAND FUNDING LLC  
PO Box 2011  
Warren, MI 48090-2011

OFFICE OF THE U.S. TRUSTEE  
U.S. TRUSTEE'S OFFICE  
LIBERTY CENTER SUITE 204  
301 CENTRAL AVE  
GREAT FALLS, MT 59401-3113

St. Vincent Healthcare  
P.O. Box 35200  
Billings, MT 59107-5200

St. Vincent Physician Network  
P.O. Box 912590  
Denver, CO 80291-2590

RUSSELL G. CASSETT  
1264 CALAMITY JANE BLVD,  
BILLINGS, MT 59101-7124

Billings Clinic  
P.O. Box 35100  
Billings, MT 59107-5100

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
Philadelphia, PA 19101-7346

Midland Credit Management, Inc.  
8875 Aero Drive  
San Diego, CA 92123-2255

Montana Department of Revenue  
Kim Davis  
P.O. Box 7701  
Helena, MT 59604-7701

Seterus  
P.O. Box 2008  
Grand Rapids, MI 49501-2008

St. Vincent Physician Network  
Debt. CH 14399  
Palatine, IL 60055-0001

RALPH WOOD WILKERSON  
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208 N BROADWAY, SUITE 414  
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End of Label Matrix  
Mailable recipients 22  
Bypassed recipients 0  
Total 22